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**Notice of Allowability**

Application No.	Applicant(s)	
10/785,620	MUELLER-MACH ET AL.	
Examiner	Art Unit	
Anthony J. Canning	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-22.
3.  The drawings filed on 23 February 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
    1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.  
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
    Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
    Paper No./Mail Date 4/20/04
4.  Examiner's Comment Regarding Requirement for Deposit  
    of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
    Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***DETAILED ACTION***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Carmen Cook on 13 June 2005.

3. The application has been amended as follows:

Claim 12, line 2: --wherein  $0 < x \leq 1$  -- has been inserted after "(Sr<sub>1-x</sub>Ca<sub>x</sub>)S:Eu".

4. Authorization for this examiner's amendment was given in a telephone interview with Rachel Leiterman on 8 July 2005.

5. The application has been amended as follows:

Claim 10, line 2: --(Sr<sub>1-x-y</sub>Ba<sub>x</sub>Ca<sub>y</sub>)<sub>2-z</sub>Si<sub>5-a</sub>Al<sub>a</sub>N<sub>8-a</sub>O<sub>a</sub>:Eu<sub>z</sub>-- replaces (Sr<sub>1-x-y</sub>Ba<sub>x</sub>Ca<sub>y</sub>)<sub>2</sub>Si<sub>5-x</sub>Al<sub>x</sub>N<sub>8-x</sub>O<sub>x</sub>:Eu.

***Priority***

6. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in the European Patent Office on 17 March 2003. It is noted, however, that applicant has not filed a certified copy of the European patent application as required by 35 U.S.C. 119(b).

*Allowable Subject Matter*

7. Claims 1-22 are allowed.

The following is an examiner's statement of reasons for allowance:

8. Regarding claim 1, the references of Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically the particular phosphor having the formula given in claim 1.

9. Claims 2-22 are allowable for the reasons given in claim 1 because their dependency status from claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Prior Art*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tian et al. (U.S. 2004/0173807 A1) disclose using Lu as a component in the phosphor.  
Srivastava et al. (U.S. 6,501,100 B1) disclose using Eu doped phosphors.

*Contact Information*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Canning whose telephone number is (571)-272-2486. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D. Patel can be reached on (571)-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony Canning *ac*

8 July 2005

*ashok*  
ASHOK PATEL  
PRIMARY EXAMINER